

## DECLARATION FOR PATENT APPLICATION

As the below-named inventors, we hereby declare that:

Our residences, post office addresses, and citizenships are as stated below next to our names.

We believe we are the original, joint, and first inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

# DIGITAL MINIMALLY INVASIVE SURGERY SYSTEM

the specification of which is attached hereto.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37 Code of Federal Regulations § 1.56(a).

We hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

None

We hereby claim benefit under Title 35, United States Code § 119(e) of any United States provisional applications listed below:

None

We hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

None

We hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Thomas E. Kocovsky, Jr., Reg. No. 28,383  
Michael E. Hudzinski, Reg. No. 34,185

Address all telephone calls to: Thomas E. Kocovsky, Jr.  
at telephone number: (216) 861-5582  
Address all correspondence to:

Thomas E. Kocovsky, Jr.  
FAY, SHARPE, FAGAN,  
MINNICH & MCKEE, LLP  
1100 Superior Avenue, Seventh Floor  
Cleveland, OH 44114-2518

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint inventor: Rony A. ABOVITZ  
Inventor's signature [Signature]  
Date: October 15, 2001, 2001  
Residence: 3825 Taft Street, Hollywood, FL 33021  
Citizenship: U.S.A.  
Post Office Address: 3825 Taft Street  
Hollywood, FL 33021

Full name of second joint inventor: William F. TAPIA  
Inventor's signature [Signature]  
Date: October 15, 2001  
Residence: 2590 English Ivy Court, Longwood, FL 32779  
Citizenship: U.S.A.  
Post Office Address: 2590 English Ivy Court  
Longwood, FL 32779

Full name of third joint inventor: Robert F. FRECHETTE  
Inventor's signature [Signature]  
Date: Oct 15, 2001  
Residence: 630 SW 5th Avenue, Fort Lauderdale, FL 33315  
Citizenship: U.S.A.  
Post Office Address: 630 SW 5th Avenue  
Fort Lauderdale, FL 33315